

In re: Radelet
Serial No.: 09/980,694
Filed: October 24, 2001
Page 2 of 4

REMARKS

Applicant sincerely appreciates the thorough examination of the present application as evidenced by the Final Office Action of August 13, 2003 ("Final Action"). Applicant appreciates the Examiner's indication of allowable subject matter in Claims 10, 16-18 and 23-25. However, these claims have not been placed in independent form as Applicant submits that all the claims are patentable over the cited references for at least the reasons discussed below. Accordingly, Applicant respectfully submits that this case is now in form for allowance. To facilitate the Examiner's reconsideration of the rejections, Applicant will not represent the arguments from the previous amendment and will, instead, only address the points newly raised in the Final Action. However, Applicant's previous amendment mailed May 15, 2003 is incorporated herein by reference in its entirety.

The Section 103 Rejections:

Claims 1-4, 6-9, 11, 19, 21, 22, 26 and 27 stand rejected under 35 U.S.C. §103(a) as being unpatentable over United States Patent No. 4,723,209 to Gittle ("Gittle") in view of GB 599,354 to Tribe ("Tribe"). Claims 12-15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Gittle and Tribe and further in view of United States Patent No. 2,643,150 to Giles ("Giles"). Claim 20 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Gittle and Tribe and further in view of United States Patent No. 6,007,120 to Vogt et al. ("Vogt"). Applicant submits that these rejections should be withdrawn as the combination of Gittle with Tribe relied on in rejection independent Claim 1 is not supported. Newly rejected Claims 21, 22, 26 and 27 are also separately patentable for at least the reasons discussed below.

The Response to Arguments section of the Final Action asserts that the combination of Gittle with Tribe is proper "because Tribe is only relied on the teaching of a clamp mechanism to secure together two workpieces." Applicant respectfully submits that, regardless of what teachings of Tribe are relied on for the rejection of Claim 1, the obviousness rejection also requires clear and particular evidence of a motivation to combine the references to arrive at the claimed invention. The rejection fails to cite to any such

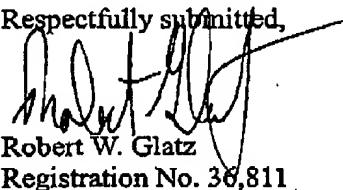
In re: Radelet
Serial No.: 09/980,694
Filed: October 24, 2001
Page 3 of 4

disclosure or suggestion in Gittle or Tribe. Furthermore, as explained by Applicant in the previous amendment, Tribe describes panel securing pins for temporary use to facilitate operations for attaching parts as contrasted with the fastening arrangement of Gittle, which if anything, would lead away from the combination relied on by the Examiner. Such a distinction, if anything, teaches away from rather than provides a motivation for the combination relied on in the rejections.

With respect to the newly rejected claims, among other things, the Final Action, in rejecting Claim 26, asserts that "Gittle discloses the closure (30) wherein at least one toggle clamp mechanism (as taught by Tribe) can be positioned on an end of the closure member (30) having the cable entry port (see figure 1)." Final Action, p. 5. However, the rejection of Claim 1 asserts that the "clamp mechanism" of Tribe would be substituted for the "clamp" of Gittle, which "clamp" is not identified except by a general reference to Figure 3 of Gittle. Final Action, p. 2. Applicant assumes the Examiner intends to refer to the studs 55 of Gittle as the clamp. Gittle, Col. 4, line 68 to Col 5, line 3. As is clear from Figures 3-6 of Gittle, the studs 55 are positioned only along the sides of the enclosure 33, 34 not along the ends where the cables 31, 32 enter. This does not disclose the mechanism "positioned on an end of the closure member" as alleged in the Final Action. Accordingly, the rejection of Claim 26 should be withdrawn for at least these additional reasons.

Conclusion

Applicant respectfully submits that, for the reasons discussed above, the references cited in the present rejections do not disclose or suggest the present invention as claimed. Accordingly, Applicant respectfully requests allowance of all the pending claims and passing this application to issue.

Respectfully submitted,

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In re: Radelet
Serial No.: 09/980,694
Filed: October 24, 2001
Page 4 of 4

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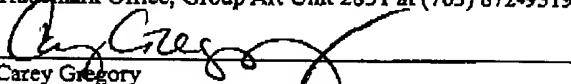
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